

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

CHARLES E. ALPINE	§	
V.	§	CIVIL ACTION NO. 9:07CV234
DEVON A. LONG, ET AL.	§	

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains her findings of fact and recommendations for the disposition of such action, has been presented for consideration. It appearing that a copy of such Report was sent to the last known address of the Plaintiff by certified mail, return receipt requested; accordingly, such proposed findings and recommendations will be considered, since no objections have been forthcoming from the Plaintiff.

After careful deliberation concerning such proposed findings and recommendations, it is determined that they are correct and should be adopted by the Court. It is therefore,

ORDERED that Plaintiff's application for leave to proceed *in forma pauperis* is hereby **DENIED**. It is further

ORDERED that the above-styled civil rights lawsuit is hereby **DISMISSED WITH PREJUDICE** as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but **WITHOUT PREJUDICE** to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the full \$350.00 filing fee. Finally, it is

ORDERED that should the Plaintiff pay the full filing fee within 30 days after the date of entry of dismissal, he will be allowed to proceed in this lawsuit as though the full fee had been paid from the outset. All motions not previously ruled on by either party are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **23** day of **October, 2007**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge